

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

FREDERICK DELANO and
FRANCES DELANO,
Plaintiffs,

V.

ABBOTT LABORATORIES,
Defendant.

Case No. 2:11-cv-02475-WGY-cgc

Hon. William G. Young

NOTICE OF APPEAL

Notice is hereby given that defendant Abbott Laboratories hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Order of Dismissal filed on September 28, 2012, and entered on October 1, 2012.

In appealing from that Order, defendant appeals from any and all orders antecedent and ancillary thereto, including any and all interlocutory judgments, decrees, decisions, rulings, and opinions that merged into and became part of the Order, that shaped the Order, that are related to the Order, and upon which the Order is based.

Respectfully submitted,

Dated: October 8, 2012

s/ Michael P. Foradas

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2012, I electronically filed the foregoing document with the clerk of the U.S. District Court, Western District of Tennessee, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who are known as the "Filing Users":

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A complete, duplicate copy of this document has been forwarded directly to Judge Young in Boston, MA.

s/ Andrew P. Bautista